

**DRAFT MINUTES - NOT APPROVED**

***BYRON TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING – December 26, 2007  
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, December 26, 2007, at 7:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, MI.

Members present were: Abe Vander Woude, Seymour Gould, James Haagsma, Jeff Brinks, Kathy Burgess & Doug Tubergen. Also present were Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

**7:00 p.m. – Ron & Mary Dykhouse – requesting a 640 sq ft., area variance & a 24’ height variance for an existing accessory building for the property located at 7755 Burlingame Ave. SW**

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and all property owners within 300’ of the subject property were notified. Two written responses were received. Jeff then read the two letters that were received. The first letter received was from Phil & Rosemary Tymes stating their support of this variance request. The second letter was from Adele Roblin the director of the Byron Area Historic Society also stating their support for this variance.

Board member Seymour Gould commented that his home is about 500 ft from the Dykhouse property. He also has lived in that house for 12 years of his life and has put up a lot of hay in the old barn. He wanted to know if the Board wanted him to step down for this variance request.

It was the consensus of the Board that they could see no reason for Seymour to step down.

Tim Slot was present and spoke on behalf of Mr. & Mrs. Dykhouse. He commented that the barn on this property is old but in good condition. They don’t make barns like this anymore. In fact these big old barns are fast disappearing in the Township. The home is also older and with the old barn it is a good match.

Mr. & Mrs Dykhouse then presented the board with a petition which was signed by 26 of their neighbors stating their approval of this old barn.

**Alan Haase – 7867 Burlingame Ave., commented that he likes old barns, and this barn is in very good condition. It’s not falling down and he would like to see it stay.**

No further public comments were made.

A motion was made by Haagsma supported by Gould to close the public portion of the meeting. All voted aye. Motion carried.

Board member Haagsma needed some clarification as to why this variance request came to be.

It was explained to him that the Dykhouse would like to split part of their parcel to create another lot, which would be located just to the south of the house. With this split the property where the barn sits on is too small to allow that size of an accessory building

Kathy Burgess stated that she visited the site and the barn is a great structure and looks very solid.

Chairman Vander Woude also commented that it is a very well built barn. The shingles look good and the paint job looks good except for the bottom 4’ . He would like to see that part painted. The home is for sale and if a new owner does not care that much about the barn it will not be repainted.

Seymour Gould also has no problem with the old barn staying. He also agrees that the bottom 4’ should be repainted. Keep in mind that the variance stays with the property and not the people. We can’t really control the maintenance of this barn when the new owner take over.

Tim Slot stated that the new owner would probably take good care of the barn. In fact all those who have shown interest in this property really like the old barn.

Jeff Brinks stated that he agrees that it is a nice barn. But we have to look at it that it is for financial gain. According to the Township Zoning Ordinance we may not grant a variance for financial gain. Where do we stop? We are stretching the ordinance.

Kathy Burgess stated that if you factor in the history of Byron Township – once these barns are gone they are gone for good.

Jeff Brinks commented that at this point these people are making money, do they really care about this big old barn. We have to take the Township Ordinance seriously.

Chairman Vander Woude stated that if you look at that particular corner with the older home and the old barn it actually looks like an historical corner. Byron Township is noted as a rural area.

A motion was made by Haagsma supported by Burgess to grant this variance for a 640 sq ft., area variance and a 24' height variance for the existing barn as it meets Byron Township Zoning Ordinance Article 21.6 1, 2, & 3.

Roll call vote: Gould - yes. Brinks - no. Burgess - yes. Haagsma - yes. Vander Woude - yes.

Motion carried. Variance granted.

**7:15 p.m. – eTitle Agency, Inc. – requesting a 45.7' lot frontage varaiacne (Article 6.3 (6)) and a 9,427 sq ft., lot area variance (Article 6.3 (5)) for the property located at 1741 – 72<sup>nd</sup> St. SW**

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and all property owners within 300' of the subject property were notified. One written response was received. Jeff then read the letter which was received from Daniel Dekker who resides at 1773 - 72<sup>nd</sup> St. SW. He asked that the Zoning Ordinance be upheld and deny this variance request.

No one was present from eTitle Agency to explain the variance request.

**Ken Kreiser – 1725 – 72<sup>nd</sup> St. was present and stated that his property is directly to the east of the Verburg property. He is opposed to this variance and agrees with everything that was stated in the letter from Daniel Dekker.**

A motion was made by Gould supported by Burgess to close the public portion of the meeting. All voted aye. Motion carried.

Jeff Brinks explained the history behind this property and the variance request. He stated that Mr. Verburg purchased the 70' lot next to his property but did not have that transaction recorded properly. This home was foreclosed and the mortgage company is trying to sell the property. This is more a legal issue than anything else. The board has never granted a variance like this before.

A motion was made by Gould supported by Haagsma to deny the request for a 45.7' lot frontage variance and a 9,427 sq ft., lot area variance for the property located at 1741 – 72<sup>nd</sup> St. SW as it does not meet any part of the Byron Township Ordinance Section 21.6 1, 2, or 3.

Roll call vote: Burgess - yes. Haagsma - yes. Brinks - yes. Gould - yes. Vander Woude - yes. Motion carried. Variance denied.

### **Approval of Minutes – November 28, 2007**

A motion was made by Burgess supported by Haagsma to approve the minutes as corrected. Correction made on page 2 regarding the DeKleine Builders request adding the time of 7:00 p.m. for the February 27<sup>th</sup> meeting. Also an addition on page 3 to the statement “The Board then gave Kevin Green an opportunity to explain his variance request”.

All voted aye. Motion carried. Minutes approved as corrected.

### **Update on Garage Sizes**

Seymour Gould reported that there will be a Public Hearing on January 21, 2008 at the Planning Commission meeting. Also changes have been made to the total square footage required for the garage size as well as clearing up some of the verbiage in the Ordinance.

### **Billboard request from Kevin Green for property at 7752 Caterpillar Dr. SW which was denied at last months ZBA meeting.**

Kathy Burgess reported that Kevin Green has filed a 425 agreement for this property and the public hearing is set for January at the Township Board meeting.

Seymour commented that 425 agreements are usually requested when there are not utilities available. But this area can be serviced by Byron Township. He hates to see the Township give up any more property. Kevin is just getting back at the Township for denying his request. We could have figured it would be court or something like this.

### **Proposed new Community Building height.**

Kathy Burgess stated that there is a concern about the proposed height of this new building. She said they did meet with Design Plus and it was commented that they need the height because it is a gymnasium. At this point they are not planning on coming to the Zoning Board of Appeals for a variance.

**Abe Vander Woude** – commented that he would not be at the January meeting, and James Haagsma stated that he would not be at the February meeting.

**Adjournment**

7:50 p.m. It was moved by Brinks supported by Haagsma to adjourn the meeting. All voted aye. Motion Carried.

DRAFT NOT APPROVED

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Jeff Brinks  
Secretary of Board of Appeals